

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nielsen *et al.*

Confirmation No. 5726

Serial No. 10/612,665

Art Unit: 1649

Filed: July 1, 2003

Examiner: Dutt, Aditi

For: RECOMBINANT TISSUE PROTECTIVE CYTOKINES  
AND ENCODING NUCLEIC ACIDS THEREOF FOR  
THE PROTECTION, RESTORATION AND  
ENHANCEMENT OF RESPONSIVE CELLS, TISSUES  
AND ORGANS Attorney Docket No. 10165-022-999

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated December 11, 2008 of the Primary Examiner finally rejecting Claims 54-58 and 71-73 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for three (3) month(s):  
☐ was filed on \_\_\_\_\_  
☒ is submitted herewith.
2. ☐ A timely response to the final rejection has been filed.
3. ☒ A fee in the amount of \$540.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$270.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: June 11, 2009

  
 Eileen E. Falvey

46,097

(Reg. No.)

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Enclosure